

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-4 and 29-40 are pending in the application, with claim 1 being the sole independent claim. Claims 1-3, and 4 are sought to be amended. Claims 5-13 and 18-28 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and/or amended claims, in the future. New claims 29-40 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

With respect to this Application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the references that it was made to allegedly avoid, may need to be revisited. Nor should any previous disclaimer of claim scope, if any, in this Application be read back into any predecessor or related application.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-3

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over United States Patent No. 6,097,706 to Fielding et al. (herein

"Fielding") in view of United States Patent Publication No. 2001/0039600 to Brooks et al. (herein "Brooks") and in view of "Adapting the DOCSIS Protocols for Military Point to Multipoint Wireless Links" to Alessi et al. (herein "Alessi").

Applicants and Applicants' representative, Mr. Glenn J. Perry, wish to thank Examiner Linda Wong for the interview by telephone on February 26, 2009 (herein "Examiner Interview"). During the Examiner Interview, Applicants' representative and the Examiner discussed claim 1 with respect to Brooks. An agreement was reached that Brooks does not explicitly teach or suggest at least the feature of "a turbo decoder coupled to the burst demodulator and the DOCSIS MAC configured to decode the demodulated data from the burst demodulator and to send decoded data to the DOCSIS MAC, wherein the DOCSIS MAC sends DOCSIS management packets portion of the decoded data to the host processor and sends transmit packet data portion of the decoded data to the at least one data network" as recited by claim 1. During the Examiner Interview, the Examiner, however, indicated that this aforementioned feature of claim 1 is inherent in the system of Brooks.

Without acquiescing to the merits of this allegation and to expedite prosecution of this Application, Applicants have amended claim 1 to recite at least the features of "a plurality of queues, each queue configured to store the one or more of the MPEG frames based upon a modulation scheme and a code rate to provide a queue block of data, the plurality of queues being configured such that each queue corresponds to a possible combination of modulation scheme and code rate among a plurality of possible combinations of modulation schemes and code rates", "a multirate turbo encoder configured to receive the queue block of data from a selected queue from the plurality of

queues and to encode the queue block of data using the code rate associated with the selected queue to provide an inner encoded data block", and/or "a modulator configured to modulate the inner encoded data block using the modulation scheme rate associated with the selected queue to provide the downstream output data." These amendments to claim 1 does not give rise to any implication regarding whether the Applicants agree with or acquiesce in the allegations provided by the Examiner in the Office Action or during the Examiner Interview. Support for these amendments may be found in Page 28, line 17 through Page 31, line 5, as well as elsewhere, in the Specification filed on September 12, 2003. Applicants respectfully submit the combination of Fielding, Brooks, and Alessi does not teach or suggest at least these features of claim 1. Dependent claims 2 and 3 are likewise not rendered obvious by the combination of Fielding, Brooks, and Alessi for the same reasons as claim 1 from which they depend and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 1-3 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 4-28

Claims 4-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fielding in view of Brooks and in view of Alessi, and in further view of one or more of the following:

United States Patent No. 6,650,624 to Quigley et al. (herein "Quigley");

United States Patent No. 7,050,419 to Azenkot et al. (herein "Azenkot");

United States Patent No. 7,310,522 to Geile et al. (herein "Geile");

United States Patent Publication No. 2003/0206561 to Schmidl et al.
(herein "Schmidl"); and

"Turbo-coded OFDM System for a Mobile Satellite Broadcasting System"
to Kim (herein "Kim").

Applicants have cancelled claims 4-28 rendering the rejection under 35 U.S.C. § 103(a)
to claims 4-28 moot.

New Claims

Claims 29-40

New claims 29-40 have been added. From the discussion above, Applicants have
traversed the rejections to independent claims 1. Dependent claims 29-40 are likewise
allowable for the same reasons as the independent claims from which they respectively
depend and further in view of their own respective features.

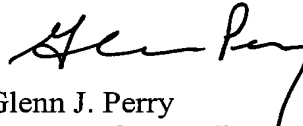
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Glenn J. Perry
Attorney for Applicants
Registration No. 28,458

Date: 30 April 2009

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
925166_2.DOC